

Notice of Allowability

Application No.

10/771,861

Applicant(s)

ANDO ET AL.

Examiner

Art Unit

Sudhaker B. Patel, D.Sc.Tech.

1624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/30/04.
2. ☒ The allowed claim(s) is/are 1-11 and 16-20.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/446,049.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

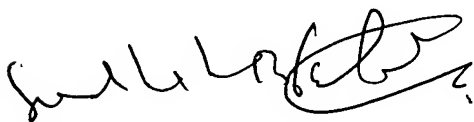
REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:
2. Applicants' communication paper dated 11/30/04 is acknowledged. Together with their earlier communications, applicants have cancelled claims 12-15, amended claims 10-12, and added new claims 16-20. Therefore, the claims under consideration are the claims 1-11, 16-20, which are renumbered as claims 1-16 respectively.
3. Applicants have presented the claims as stated above which are definite and have clarity. Therefore, the rejections made under 35 U.S.C. 112 paragraph second are now withdrawn.
4. Cancellation of claims 12-15 has made the rejections made under 35 U.S.C. 102(b) & 35 U.S.C. 101 moot. Therefore, the same are now withdrawn.
5. The closest prior arts of record (see parent U.S. Application Sr. No. 10465767 filed 6/18/03) differ in the following manner.
 - 5A. The reference Wierzbicky et al (FR 2752576, also cited as Chemical Abstract DN 128:257325) teaches thiophene compounds with a core: "MeSO₂-Phenyl-Thiophene-Phenyl". The ref. '576 differs from the instant invention by not having R₆, R₇ and R₁ variables on to phenyl rings.
6. The reference Weier et al (WO 9603387, also cited as Chemical Abstract DN 125:33647) teaches 4,5-substituted imidazolyl compounds for the treatment of inflammation. The ref. '387 differs from the instant compounds by not having R₆, R₇ and R₁ variable on to the phenyl rings.
7. The reference Talley et al (WO 9603392, also cited as Chemical abstract DN 125:33628) teaches substituted thiazoles for the treatment of inflammation. The ref. '392 differs from the instant compounds by having thiazole ring substituted by 3 phenyl rings unlike 2 phenyl rings for the instant claims, and the phenyl rings do not have variables R₆, R₇, R₁.
8. The above cited references either alone or in combination do not suggest or indicate to arrive at the instant compounds with a core: "R₂-SO₂-Phenyl (R₆) m-A-Phenyl (R₇) n-R₁, wherein A = thienyl, thiazolyl, imidazolyl i.e. 5-membered heterocycle; R₁ = heteroaryl".
9. Therefore, the instantly claimed invention is deemed to be novel and patentably distinct.

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10. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sudhaker B. Patel, D.Sc.Tech. whose telephone number is (571) 272-0671. The examiner can normally be reached on 6:30 to 5:00 pm (Monday-Thursday). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Mukund J. Shah can be reached on (571) 272 0674 or Sr. Examiner Mr. Richard Raymond at (571) 272 0673 or Mr. James Wilson at (571) 272-0661. The fax phone numbers for the organization where this application or proceeding is assigned are 703 308 4556 for regular communications and 703 308 4556 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 1235. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sudhaker B. Patel, D.Sc. Tech.
December 28, 2004.



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ART UNIT 1624

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SUPERVISORY PATENT
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ART UNIT 1624/1623